IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 145 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/04/2004 in WP NO : 24572 OF 1997 on the file of the High Court.)

Between:

M/s. Cement Corporation of India, Ltd., Adilabad Cement Factory, Adilabad District, rep. by its General Manager.

..... APPELLANT

AND

1 The Chairman Industrial Tribunal-cum-Labour

Court, Godavari Khani.
2 Syed Atheruddin, C/o. Shri R. Devender Reddy,
R/o. H.No.16-9-749/41, Race Course Road,

Malakpet, Hyd.
3 The State of A.p., re. by its Secretary,
Incharge Labour, Secretariat, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:MR.N.NARASIMHA RAO
Counsel for the Respondent Nos.: GP FOR LABOUR &
Mr.V.Viswanatham

The Court at the admission stage made the following :

J U D G M E N T (Per JC,J)

Aggrieved by the order of the learned single Judge in W.P.No.24572/1997 dated 29.4.2004 the petitioner therein, which is Cement Corporation of India Limited, filed this writ appeal.

2 . The 2nd respondent herein was an employee of the appellant, whose name was struck off the rolls of the appellant by order dated 2.5.1987. Aggrieved thereby, the 2nd respondent raised an industrial dispute before Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District in I.D.No.279/1990. The Tribunal by its award dated 15.7.1997 held that the action of the respondents in striking off the name of the 2nd respondent, is illegal and accordingly directed reinstatement with continuity of service and attendant benefits. The Tribunal also awarded back wages. Challenging the said award, the appellant filed the above writ petition before this Court and the learned single Judge, by the impugned order, confirmed that portion of the award, by which reinstatement with continuity of service was ordered, but however, came to the conclusion that the award of back wages was not called for.

3. The learned counsel for the appellant brought to the notice of this court that during the pendency of the writ petition, the 2nd respondent

– employee, retired voluntarily under a scheme framed by the appellant and this fact was not brought to the notice of the learned single Judge. On the other hand the learned counsel for the respondents submitted that this fact was in fact brought to the notice of the learned single Judge, but however, the order under appeal, does not make any reference to such a fact.

4. In view of the admitted fact that 2nd respondent opted to retire voluntarily under a scheme, we are of the opinion that the order directing reinstatement cannot be sustained and the same is required to be modified.

5. It is also brought to the notice of this court by the learned counsel appearing for the respondents that in view of the pendency of the writ petition and the writ appeal, though the 2nd respondent was permitted to retire voluntarily, he was paid only half of the amounts that are due to him under the voluntary retirement scheme and the balance is yet to be paid.

6. In view of the above facts and circumstances, we dispose of the writ appeal at the admission stage directing the appellant to settle all the amounts due to the 2nd respondent under the voluntary retirement scheme, as expeditiously as possible, preferably within a period of six weeks from today.

J.CHELAMESWAR,J

GHULAM MOHAMMED,J

AVS

DATE:14.03.2005

.....REGISTRAR

To

1. 1 The Chairman Industrial Tribunal-cum-Labour

Court, Godavari Khani, Karimnagar Dist.
2 Syed Atheruddin, C/o. Shri R. Devender Reddy,
R/o. H.No.16-9-749/41, Race Course Road,

Malakpet, Hyd.
3 The State of A.p., re. by its Secretary,
Incharge Labour, Secretariat, Hyderabad.

4. 2 CCs to G.P. for Labour, A.P.High Court Buildings, Hyderabad (OUT).

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